



Public Notice

U.S. Army Corps
of Engineers
Pittsburgh District

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. 199700168

Date: February 6, 2006

Notice No. 06-5

Closing Date: March 7, 2006

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. APPLICANT: Estate of Theodore E. Flowers
c/o Mr. Peter Traphagen
6390 West Lake Road
Erie, Pa 16505

3. LOCATION: in Lake Erie, at the mouth of Trout Run, near Fairview, Erie County, Pennsylvania

4. PURPOSE AND DESCRIPTION OF WORK: The applicant is requesting a major amendment to Pennsylvania Department of Environmental Protection (PADEP) Permit No. E25-040 which authorized the construction and operation of the Avonia Beach Boat Club Marina. The marina no longer operates as an active boating facility, and the owner desires to return the marina to its near natural condition with minimal disruption to existing shoreline conditions and features. Structurally, the marina consists of two (2) bulkheads oriented north-south and located on the west and east boundaries that function as groins located within the littoral drift of Lake Erie. Additionally, a series of breakwaters oriented east-west protect the lakeward (north) face of the marina. Docks and other boating facilities occupied the interior of the marina until they were removed with the approval of the PADEP and Pittsburgh Corps during the Summer 2005.

Cessation of dredging associated with the marina operations has resulted in natural accretion of sand across the marina's northern face. This has resulted in a pool of water trapped inside the marina. The objective of this project is to comply with the terms and conditions of the existing permits for the marina, and return the marina area to near natural conditions with minimal disruption of the existing conditions and features along the shoreline at the mouth of Trout Run (where the Pennsylvania Fish and Boat Commission plans to acquire additional property and create a "fish pen"). These objectives will be

accomplished through the removal of the boat docks (already completed), removal of the east-west breakwaters, providing support for the two existing bulkheads, and filling the "water pool" with clean fill material. Stone, concrete, and riprap from the demolished breakwaters will be utilized as fill material, especially along the inner side of the east bulkhead to reinforce the bulkhead for use as a groin. Lake Erie sand transported to the site will also be used as fill and placed over other fill materials to form a fillet beach. The current proposal would leave the two (2) bulkheads oriented north-south and located on the west and east boundaries in place and will function as groins located within the littoral drift of Lake Erie. A littoral drift study has not been performed to date to determine where and how the sediment is moving and depositing and to determine if the need for beach nourishment to the downdrift (east) side of the facility will be required. The manual placement of fill to establish the proposed fillet beach will assist in the acceleration of beach formation to the approximate dimensions of the proposed fill that would accrete over a period of time. Drawings of the proposed project are attached to this notice.

5. ENCROACHMENT PERMIT: The applicant has applied through the Regional Office of the Pennsylvania Department of Environmental Protection to amend Permit E25-040. Questions regarding this amendment and Section 401 Water Quality Certification may be addressed to:

Pennsylvania Department of Environmental Protection
Northwest Regional Office
Soils and Waterways Section
230 Chestnut Street
Meadville, Pennsylvania 16335

Telephone: 814-332-6942

6. COASTAL ZONE MANAGEMENT CONSISTENCY: The Applicant is required to certify that the proposed activity complies with the Commonwealth of Pennsylvania's Coastal Zone Management Program. Any comments on the Consistency of the proposed activity with the State's Coastal Management Program should be forwarded to:

Coastal Zone Management Office
Office of Resources Management
Pennsylvania Department of Environmental protection
Post Office Box 8555
Harrisburg, Pennsylvania 17120

7. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This

Public Notice serves as a request to the U. S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

8. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

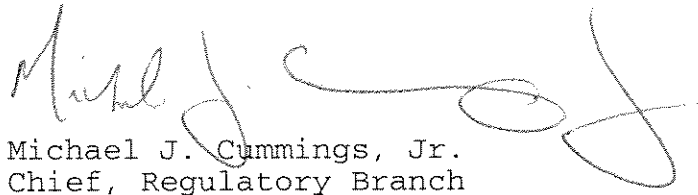
9. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

10. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an

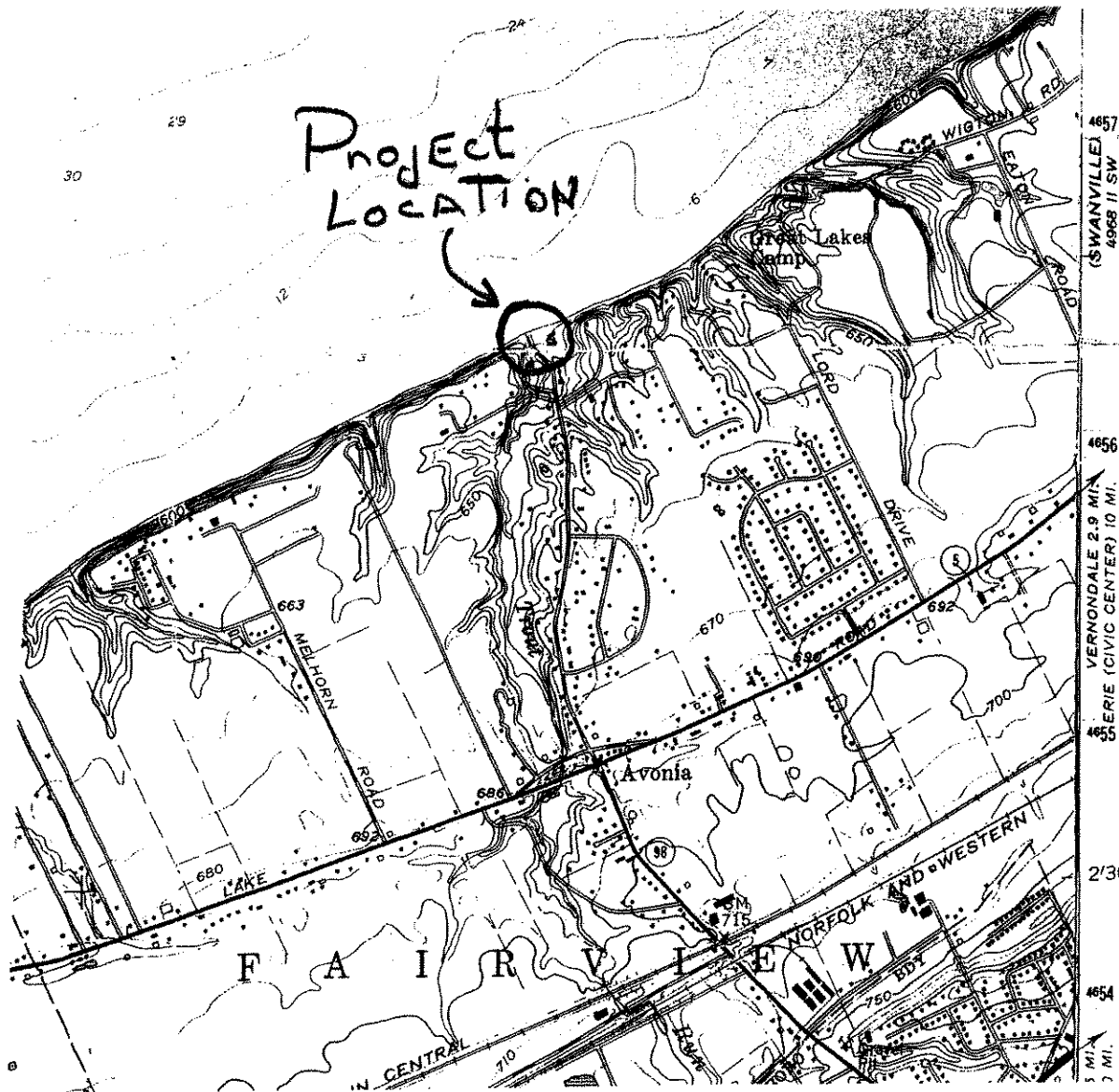
Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

11. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Allen Edris, at the above address, by telephoning (412) 395-7158, or by e-mail at allen.r.edris@lrp02.usace.army.mil. Please refer to CELRP-OP-F 199700168 in all responses.

FOR THE DISTRICT ENGINEER:



Michael J. Cummings, Jr.
Chief, Regulatory Branch



FAIRVIEW, PA QUADRANGLE
USGS TOPOGRAPHIC MAP

Urban Project Number 2003191.01



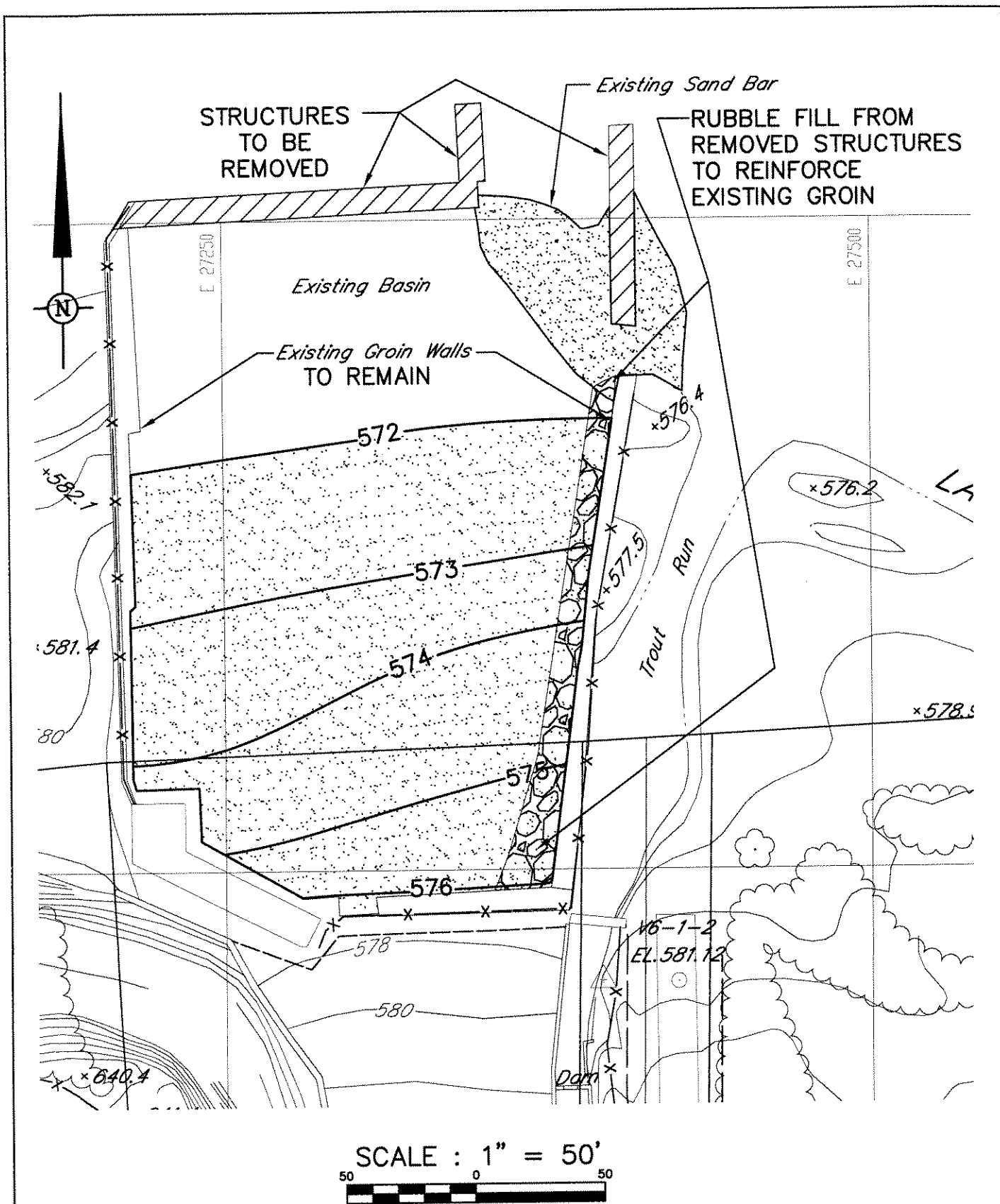
Urban Engineers of Erie, Inc.
1319 Sassafra Street
Erie, Pennsylvania 16501-1720
(814) 453-5702 Fax (814) 453-2020

SITE LOCATION MAP
AVONIA BEACH MARINA
(Flowers Estate)
ERIE, PA

DWG 1

JAN... 2005

PD 06-5



DRAWN BY:	UET NO. / CAD NAME:
T.J.M.	2003191.01/200319101
CHECKED BY:	DWG. NO.
J.W.M.	STDY-194-5
DATE: DEC. 22, 2005	SHEET 1 OF 1



URBAN ENGINEERS OF ERIE, INC.
 1319 Sassafras Street
 Erie, Pennsylvania 16501
 (814) 453-5702

MODIFICATIONS TO
 PERMIT E25-040A AMENDMENT
 AVONIA BEACH BOAT CLUB MARINA
 FAIRVIEW TOWNSHIP
 ERIE COUNTY, PENNSYLVANIA